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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/16/2005

Pascal Guerrero

RFR0102

7563

27305

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06/26/2009

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Royal Oak, MI 48067

EXAMINER

KAMEN, NOAH P

ART UNIT

PAPER NUMBER

3741

MAIL DATE

DELIVERY MODE

06/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsais et al in view of Knecht et al.

Marsais et al disclose a low temperature heat exchanger 10, an equipment (intercooler) heat exchanger, a pump "P", and a bypass line 124. However, the construction of the equipment heat exchanger is not set forth. Knecht et al disclose an intercooler in figure 3 that may be arbitrarily dividing into two sections, with, for example, one section having a single plate, and the other section the remaining plates. The result of which is the other section having a greater flow rate than the first.

Claims 2, 3, and 7-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 6/1/09 have been fully considered but they are not persuasive. The applicants argue that the examiner has not provided any reasoning to combine the references. The examiner contends that a reason is given, namely that the primary reference lack a teaching of the construction of the heat exchanger and that the secondary reference remedies that lack of teaching. The applicants argue that not all of the claimed

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elements are taught. That Knecht et al fails to suggest an intercooler divided into two sections. Also that Knecht et al are silent with respect to flow rates. The examiner contends that Knecht et al need not provide a written disclosure of the sections, merely that the reference shows them. The use of the term "section" is so broad that it may be construed to mean any arbitrary portion of the intercooler. The applicants have not delineated "section" with any particular structure. Lastly, because the intercooler may be arbitrarily divided in any manner, one section may be larger than the other, hence having a greater flow rate.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah Kamen whose telephone number is 571 272 4845. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cuff can be reached on 571 272 6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Noah Kamen
Primary Examiner
Art Unit 3741

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